

**BOARD OF APPEALS CASE NO. 4887**

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**BEFORE THE**

**APPLICANTS: Thomas & Gail Wewerka**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to construct an  
addition 28 feet from rear property line;  
613 Mauser Drive, Bel Air**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 1/6/99 & 1/13/99**

**HEARING DATE: February 17, 1999**

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**Record: 1/8/99 & 1/15/99**

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicants, Thomas and Gail Wewerka, appeared before the Hearing Examiner requesting a variance to Section 267-36(B), Table V, of the Harford County Code, to construct an addition within the required 40 foot rear yard setback in an R2 District.

The subject parcel is located at 613 Mauser Drive in the Third Election District. The parcel is identified as Parcel No. 836, in Grid 1-F, on Tax Map 49. The parcel contains .33 acres, more or less, all of which is zoned R2.

Mr. Thomas Wewerka appeared and testified that he is requesting a variance to reduce the rear yard setback to 28 feet. The Applicant said that he would like to construct an 11 foot by 19 foot, one-story addition to be used as a family room. The witness said the subject property is unique because it is a corner lot and it has drainage and utility easements on the other two sides. The witness said there is also a 50 foot right-of-way for water lines adjoining the subject parcel. The Applicant said that if the variance is approved, he would maintain a 28 foot rear yard setback and said he did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because most of the newer homes in the subdivision already have family rooms.

## **Case No. 4887 - Thomas and Gail Wewerka**

No Protestants appeared in opposition to the Applicants' request and the Staff Report of the Department of Planning and Zoning provides:

"The property under review is a corner lot and is required to meet two front yard setbacks. The required setbacks reduce the usable area of the property. There are mature trees in the rear yard between the proposed addition and the adjacent property. There will still be approximately 70± feet between the new addition and the dwelling on the adjacent lot. The proposed request should not have an adverse impact on the adjacent property or the intent of the Code."

### **CONCLUSION:**

The Applicants are requesting a variance to Section 267-36(B), Table V, of the Harford County Code. That Section requires a 40 foot rear yard setback in an R2 District. The Applicants are proposing a 28 foot rear yard setback.

The uncontradicted testimony of the Applicant was that the subject parcel is unique because it is a corner lot, which requires the maintenance of two front yard setbacks, thereby reducing the usable area on the parcel. There are drainage and utility easements on the other two sides of the property, as well as an adjoining 50 foot right-of-way for water lines. The Applicant also said he did not feel the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because the newer homes in the subdivision already have family rooms.

It is the finding of the Hearing Examiner that the subject parcel is unique for the reasons stated by the Applicant, in his testimony, and, further, the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance to reduce the rear yard to 28 feet be approved, subject to the condition that the Applicants obtain all necessary permits and inspections for the proposed addition.

Date            MARCH 8, 1999

L. A. Hinderhofer  
Zoning Hearing Examiner